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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/037,945	03/10/98	FAZAN	P MICRON.00301

MM92/1121  
KNOBBE MARTENS OLSON & BEAR  
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EXAMINER

FOURSON III, G

ART UNIT

PAPER NUMBER

2823

DATE MAILED:

11/21/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/037,945**

Applicant(s)  
**Fazan et al**

Examiner  
**George Fourson**

Group Art Unit  
**2823**



☒ Responsive to communication(s) filed on Sep 11, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-4, 8, 9, 11, 12, 14, 16, and 17 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-4, 8, 9, 11, 12, 14, 16, and 17 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Claims 1 and 4 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1,4 and 5 of copending Application No. 08/565,991. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant claims are generic to the claims of the application (see MPEP 806.04(I)).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 1,2,4,8,9,14,16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent 266885.

The rejection is maintained as stated in the paper mailed 6/6/2000.

Applicant argues that there is no suggestion or motivation to omit the wet oxidation step of Germany '885. However, in view of the disclosed purpose of such a step, namely shortening the time required to form a desired thickness of field oxide It would have been within the scope of one of ordinary skill in the art to omit the step with the expectation that the disclosed concomitant advantages would not be obtained. See MPEP 2144.04, II, A.

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Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Germany '885 as applied to claims 1,2,4,5,8,9 and 10 above, and further in view of Marshall et al and Miyoshi et al.

The rejection is maintained as stated in the paper mailed 6/6/2000.

Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall et al in view of Sze.

The rejection is maintained as stated in the paper mailed 6/6/2000.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 308-0956. **See MPEP 203.08.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner George Fourson whose telephone number is (703) 308-2544. The examiner can

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normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on (703) 308-4918. The fax number for this group is (703)308-7722( 7724,3431 and 3432). MPEP 502.01 contains instructions regarding procedures used in submitting responses by facsimile transmission.

  
George Fourson  
Primary Examiner  
Art Unit 2823

GFourson  
November 19, 2000